



**Superior Court
State of California**

CHAMBERS OF THE PRESIDING JUDGE
C. DON CLAY

COUNTY OF ALAMEDA

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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
GENERAL DIRECTIVE BY THE PRESIDING JUDGE**

DIRECTIVE NO: 2013-38

**SUBJECT: FAILURE TO APPEAR, OR TO PAY A FINE OR
INSTALLMENT OF BAIL, OR TO COMPLY WITH A
COURT ORDER IN TRAFFIC CASES**

Upon the failure of a defendant to appear at traffic court, or to pay all or part of a fine or installment of bail, or to comply with a court order as required by law, the clerk's office is directed to:

1. Electronically impose a civil assessment in the amount of \$300.00 pursuant to, and in the manner provided by, Penal Code section 1214.1.
2. Instruct the Department of Motor Vehicles to place a hold on the defendant's driver's license, if applicable, until such time as i) all monies owed to the court are paid in full or, ii) such time as the defendant first appears in court to cure a failure to appear, upon which the hold shall be released. (Vehicle Code section 40509.5(b))
3. Impose a \$10 administrative assessment hold fee, if applicable. (Vehicle Code section 40508.6(b))

Whenever a defendant who has previously failed to appear in traffic court on a case in which a failure to appear hold has been issued requests an appearance before a judicial officer, the case shall be added to the court's calendar for the limited purpose of adjudicating the outstanding criminal charges, but not to make orders relating to any civil assessments that have been imposed.

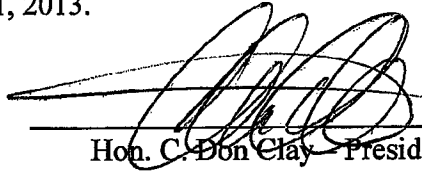
An application by a defendant to vacate a civil assessment imposed upon a failure to appear shall be submitted in writing and ruled upon by the presiding judge or his or her designee.

Except as provided below, a civil assessment imposed upon a defendant for failing to pay a fine or an installment of bail or to comply with a court order in which the entire case has been referred to collections is a civil obligation, and the defendant shall have no right to return to court for any further proceedings in the case.

In a case in which a trial by written declaration in absentia was held as provided in Vehicle Code section 40903 and a civil assessment has been imposed upon failure to pay a fine, a defendant who has not previously done so may submit a written application to vacate the civil assessment, which shall be ruled upon by the presiding judge or his or her designee.

This directive shall expire on December 31, 2013.

Issued: January 25, 2013



Hon. C. Don Clay Presiding Judge
Superior Court of California, County of Alameda